

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4780 OF 2003
IN
FIRST APPEAL NO.668 OF 2001

Babulal Pareshwarji Thakur .. Applicant
Versus
Shrikant M. Rele & Anr. .. Respondent

CORAM : P.V.KAKADE, J.
DATE : 17TH SEPTEMBER, 2004

P.C.:

1. Heard both sides.

2. This is an application seeking permission to allow the Court Receiver to join as a party defendant to the proposed suit to be filed by the 2nd defendant for partition of the land with building known as Krishna

Bhuvan situated at 475, Jagannath Shankarseth Road, Mumbai. It is stated at the bar that the Court Receiver was appointed in the suit and was continued in the appeal. In view of this position if the defendant no.2 wants to file the suit the Court Receiver will have to be made a party defendant. In my opinion the Receiver would be a necessary party in the suit in view of his continued appointment in the present Appeal.

3. In view of this position the application is made absolute in terms of prayer clause (a) and application stands disposed of with no order as to costs.